REMARKS

Claims 1-18 are pending in the present application. Claims 1, 2, 7, 12 and 17 have been currently amended. Claims 1, 7, 12 and 17 are independent claims. Support for the amendment may be found throughout the specification and drawings.

I. REJECTION UNDER 35 U.S.C. §102

Claims 1, 2, 7, 12, and 17 were rejected under 35 U.S.C. 102(e) as being allegedly anticipated by Aisenberg, U.S. Patent Publication No. 2004/0116155 ("Aisenberg"). The rejection is respectfully traversed in its entirety.

Anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration. *W.L. Gore & Assocs. v. Garlock*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984). Further, "anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim." *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984) (citing *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983)) (emphasis added).

Claim 1 recites, among other things, "the GGG being configured to support communication between a GSM network and a CDMA network to enable the mobile station subscribed in the GSM network to communicate using the CDMA network". As implicitly admitted by the Patent Office, this is not taught or suggested by Aisenberg (see, e.g., Office Action, pages 5-6).

Moreover, Claim 1 recites, among other things, "a logic unit configured to execute program logic to determine whether a parameter is received from the mobile station, the

parameter representing a count of a predetermined event that is a mutually agreed upon event between the GGG and mobile station" (emphasis added). In rejecting Claim 1, the Patent Office has analogized reference number 83 in FIG. 11 of Aisenberg to a "logic unit". Applicants respectfully disagree since reference number 83 in FIG. 11 of Aisenberg represents a mobile network (see, e.g., FIG. 11, and page 5, paragraph [0046] of Aisenberg), which *cannot* be a "logic unit", as recited in Claim 1. Further, in rejecting Claim 1, the Patent Office has relied on FIG. 11, paragraph [0002], lines 1-9 and paragraph [0046], lines 1-29 of Aisenberg. However, these parts cited by the Patent Office fail to teach or suggest "the parameter representing a count of a predetermined event that is a mutually agreed upon event between the GGG and mobile station," as recited by Claim 1. Applicants herein respectfully ask the Patent Office to pinpoint exactly where in Aisenberg "the parameter representing a count of a predetermined event that is a mutually agreed upon event between the GGG and mobile station," as recited by Claim 1, is taught or suggested.

At least based on these reasons, Claim 1 is allowable. Claim 2 depends from Claim 1 and is thus allowable.

Based on similar rationales as applied to Claim 1 (see above), Claims 7, 12 and 17 are allowable.

II. REJECTION UNDER 35 U.S.C. §103

Claims 3, 6, 8, 11, 13 and 16 were rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Aisenberg in view of Raffel et al., U.S. Patent No. 5,675,629 ("Raffel"). Claims 4, 9, 14 and 18 were rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Aisenberg in view of Saito et al., U.S. Patent Publication No. 2001/0044295 ("Saito").

Claims 5, 10 and 15 were rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Aisenberg in view of Hartmaier, U.S. Patent Publication No. 2004/0137899 ("Hartmaier"). These rejections are respectfully traversed in their entirety.

"To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations." (emphasis added) (MPEP § 2143). If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. (emphasis added) *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

As indicated in the foregoing section **I. REJECTION UNDER 35 U.S.C. §102**, Aisenberg fails to teach, disclose, or suggest all the element of independent Claims 1, 7, 12 and 17. Furthermore, all the element of independent Claims 1, 7, 12 and 17 are also *not* taught, disclosed, or suggested by other cited references. Thus, independent Claims 1, 7, 12 and 17 are nonobvious under 35 U.S.C. § 103.

Claims 3-6 depend from Claim 1 and are therefore nonobvious due to their dependence. Claims 8-11 depend from Claim 7 and are therefore nonobvious due to their dependence. Claims 13-16 depend from Claim 12 and are therefore nonobvious due to their dependence. Claim 18 depends from Claim 17 and is therefore nonobvious due to its dependence. Thus, the rejection should be withdrawn, and Claims 3-6, 8-11, 13-16 and 18 should be allowed.

CONCLUSION

In light of the amendments contained herein, Applicants submit that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

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